

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Naresh Kumar **Mohindra**

For: **REDUCING FACIAL AGING AND APPLIANCE THEREFOR**

Serial No.: **10/517,578**

Art Unit: 3764

Filing Date: December 9, 2004

Examiner: Mathew, Fenn C.

Attorney Docket: CSTL0003-100 157737

Commissioner for Patents
PO Box 1450
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APPLICANT SUMMARY OF INTERVIEW WITH EXAMINER

The purpose of this paper is to summarize the interview of June 15, 2006. The courtesies extended by Examiner Mathews and Primary Examiner Michael Brown during the telephone interview of June 15, 2006 are noted with appreciation. It was agreed that the AMENDMENT AFTER FINAL UNDER 37 CFR 1.116 would be entered upon filing an RCE, and that the amendment would overcome all rejections of record. An RCE is being required since the Examiner wishes to conduct a further search.

During the interview of May 16, 2006, the final rejection of claims 1-10 over Ueno was discussed. An amendment to claim 1 was suggested during that interview in order to further distinguish the claimed invention from Ueno, i.e., adding the limitation so that the second layer substantially covers the first layer. Such amendment will now be entered and is fully supported by the original drawings, as well as a dictionary definition "A single thickness of a material covering a surface or forming an overlying part or segment: *a layer of dust on the windowsill; a cake with four layers.*" www.Dictionary.com. The Final Rejection held that the individual balls, 5, shown in Ueno, constitute a second layer over deformable first layer 2. However, applicant's second layer is quite different, substantially covering applicant's first layer.

Applicant wishes to note that the original search would normally have uncovered any prior art showing a second layer substantially covering the first layer since such was the only embodiment illustrated in the drawings.

The present application is concerned with a mass produced universal dental appliance which is suitable for use in reducing facial aging. The appliance comprises two parts, each

intended in use to contact the posterior teeth on respective opposite sides of either the upper or lower jaw. Ueno, in sharp contrast, shows a bite plate for athletic sports to protect teeth from injury during impact. Uedo makes no disclosure or teaching regarding the potential use for reducing facial aging.

Please refer to the Amendment under 37 CFR 1.116 for further arguments in support of patentability of this invention.

Respectfully submitted,

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